

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION**

MICHAEL AND SHELLIE GILMOR, <i>et</i>)	
al.,)	
)	
Plaintiffs,)	
)	
v.)	Case No. 4:10-cv-00189-ODS
)	
PREFERRED CREDIT CORPORATION,)	
<i>et al.,</i>)	
)	
Defendants.)	

**REAL TIME RESOLUTIONS, INC.'S
MOTION TO DISMISS PLAINTIFFS' SEVENTH AMENDED COMPLAINT**

Defendant Real Time Resolutions, Inc. ("Real Time") moves to dismiss Plaintiffs' Seventh Amended Complaint ("Seventh Amendment") pursuant to Federal Rule of Civil Procedure 12(b)(6) because Plaintiffs have failed to assert factual allegations against Real Time that are sufficient to meet the pleading standards prescribed in Bell Atlantic v. Twombly, 550 U.S. 544 (2007) and Ashcroft v. Iqbal, 556 U.S. ___, 129 S.Ct. 1937 (2009). As this Court held in Mayo v. GMAC Mortgage, LLC, No. 08-568-DV-W-DGK, Order dated 3/1/2010, dkt. 160, and Wong v. Bann-Cor Mortgage, No. 10-1038-CV-W-FJG, Order dated 6/9/2011, dkt. 311, generic, conclusory allegations do not satisfy the Twombly/Iqbal pleading standards.

Real Time further moves to dismiss under Rule 12(b)(6) as the Seventh Amendment shows on its face that the claims against Real Time are untimely.

Finally, pursuant to Rule 12(b)(1) and (6), Real Time moves to dismiss the Seventh Amendment for lack of subject matter jurisdiction. The Named Plaintiffs do not have standing to bring this lawsuit against Real Time.

WHEREFORE, for these reasons and those discussed in the accompanying suggestions in support, Real Time requests that the Court grants its motion and dismiss Plaintiffs' Seventh Amended Complaint with prejudice; for its costs herein; and, grant such other relief as the Court deems just and proper.

Dated: June 27, 2011

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2011, the foregoing was filed using the Court's CM/ECF system, which will notify all registered parties of the filing.

/s/ Leslie A. Greathouse

Attorney for defendant Real Time Resolutions, Inc.